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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,113	10/24/2003	Sivapackia Ganapathiappan	10010060-4	1640

7590 07/17/2006

HEWLETT-PACKARD COMPANY
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Fort Collins, CO 80527-2400

EXAMINER

PEZZUTO, HELEN LEE

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,113

Applicant(s)

GANAPATHIAPPAN, SIVAPACKIA

Examiner

Helen L. Pezzuto

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/06 has been entered.

Response to Amendment

Applicant's amendment to claims 11-12, and the cancellation of claims 24-26 filed in the response on 6/12/06 is acknowledged. Currently, claims 11-12 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winnik et al. (US-794) in view of Eastman et al (US-757).

As of record, US 4,795,794 to Winnik et al. discloses a process of producing colored particles from polymerizable dyes, suitably used in toner composition. Prior art particles have particle size in the instant range. A variety of polymerizable monomers and comonomers were taught within the scope of the instant monomers, including the recited unsaturated monomer containing a convertible moiety in hydrophobic form (col. 3, lines 5466; col. 4, line 5 to col. 5, line 4). Representative polymerizable dye monomer was further disclosed. Winnik teaches formulation of toner particles by subjecting "mixture of colored particles" and solvent medium obtained from the polymerization reaction (col. 7, lines 3-21). This teaching clearly encompass applicant's admixture of pigment colorant and amphipatic polymer particles, among others, expressed in the present claims. US-794 further teach a developer composition embodiment containing flow enhancing additives, incorporated by reference in US 3,720,617 and US 3,983,045

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(col. 7, lines 31-49), wherein pigment or dye are taught to be art-recognized colorant equivalents for toner particles (see US-617, col. 9, lines 32-53; US-045, col. 5, lines 36-59). Accordingly, one having ordinary skill in the art would have readily envisaged using dye or pigment colorant in a toner composition, in light of their being taught as suitable colorant equivalents in the toner art by patentees. The selection of a dye or a pigment colorant in a toner composition would be within the level of ordinary skill in the art. Regarding the newly recited process step of converting the convertible moiety from hydrophobic form to hydrophilic form by changing the pH, the examiner is of the position that practice is considered conventional to one skilled in the art. Analogous US 3,776,757 to Eastman et al, specifically teaches the step of converting polymeric toner particles in a developer composition from hydrophobic to hydrophilic form by contacting the toner particles with an activating solution of appropriate pH, so as to enhance affinity to the water-soluble dye. Accordingly, it would have been obvious and within the purview of one skilled in the art to carry out the converting step, motivated by the reasonable expectation of success as taught. Hence, the recited product in a product-

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by-process format is rendered obvious from prior art product, absent showing of criticality of the process imparting some non-obvious structural differences from prior art disclosures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

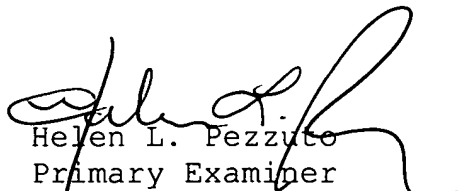
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Helen L. Pezzuto
Primary Examiner
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hlp